



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11  
JUN 20 2001  
1655/9

In re application of:

Nazarenko *et al.*

Appl. No. 09/599,594

Filed: June 22, 2000

For: **Primers and Methods for the  
Detection and Discrimination of  
Nucleic Acids**

Confirmation No.

Art Unit: 1655

Examiner: Fredman, J.

Atty. Docket: 0942.4980002/RWE

**Reply To Restriction Requirement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Office Action dated March 20, 2001, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group II, represented by claims 10-22 and 47. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made without traverse.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

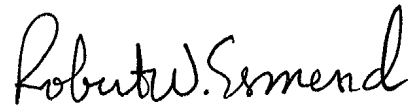
It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees

required therefor are hereby authorized to be charged to our Deposit Account

No. 19-0036.

Respectfully submitted,

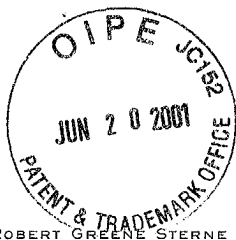
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in dark ink, reading "Robert W. Esmond". The signature is fluid and cursive, with the first name "Robert" and last name "Esmond" clearly legible.

Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

Date: June 20, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600



**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

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1655\$  
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**JUN 25 2001**

**TECH CENTER 1600/2900**

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DUSTIN T. JOHNSON\*\*  
MATTHEW J. DOWD\*\*

\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

June 20, 2001

**WRITER'S DIRECT NUMBER:**  
(202) 371-2560

**INTERNET ADDRESS:**  
resmond@skgf.com

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Utility Patent Application  
Appl. No. 09/599,594; filed June 22, 2000  
For: **Primers and Methods for the Detection and Discrimination of Nucleic Acids**  
Inventors: Nazarenko *et al.*  
Our Ref: 0942.4980002/RWE

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (Form PTO/SB/17) (in duplicate);
2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1) (in duplicate);
3. Reply To Restriction Requirement;
4. Return postcard; and
5. Our check no. 31671 for \$390.00 to cover the fee for an extension for response within second month (37 C.F.R. § 1.17(a)(2)).

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Commissioner for Patents

June 20, 2001

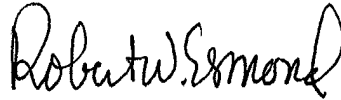
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

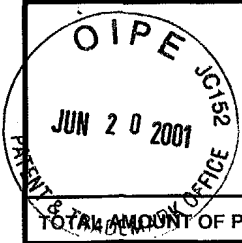
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Robert W. Esmond". The signature is fluid and cursive, with the first name "Robert" and last name "Esmond" clearly distinguishable.

Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

RWE/dab  
PAUSERS\DENISEB\0942\4982cov  
Enclosures



# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/599,594
Filing Date	June 22, 2000
First Named Inventor	Nazarenko et al.
Examiner Name	Fredman, J.
Group Art Unit	1655
Attorney Docket No.	0942.4980002/RWE

TOTAL AMOUNT OF PAYMENT (\$390.00)

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 19-0036  
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money Order ☒ Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) -0-

### 2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims - 20** =	X	=
Indep. Claims - 3** =	X	=
Multiple Dependent		=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	390	216	195	Extension for reply within second month
117	890	217	445	Extension for reply within third month
118	1,390	218	695	Extension for reply within fourth month
128	1,890	228	945	Extension for reply within fifth month
119	310	219	155	Notice of Appeal
120	310	220	155	Filing a brief in support of an appeal
121	270	221	135	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,240	241	620	Petition to revive - unintentional
142	1,240	242	620	Utility issue fee (or reissue)
143	440	243	220	Design issue fee
144	600	244	300	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	130	123	130	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	481	40	Recording each patent assignment per property (times number of properties)
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))
179	710	279	355	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify):

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 390.00

## SUBMITTED BY

Name (Print/Type) Robert W. Esmond

Signature

*Robert W. Esmond*

Registration No. (Attorney/Agent)

32,893

## Complete (if applicable)

Telephone

202-371-2600

Date

06/20/2001

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